



## **Memorandum**

*To: Rick Sun, Los Angeles County Department of Public Works*

*From: Wendy Katagi and Matt Petty, CDM Smith*

*Date: May 31, 2015*

*Subject: Pre-Construction Bird Nesting Survey for the Oxford Retention Basin Multiuse Enhancement Project*

## **Introduction**

This memorandum summarizes the methods and findings of a bird nesting survey conducted on May 31, 2015 for the Oxford Retention Basin Multiuse Enhancement project.

In accordance with California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement 1600-2012-0148-R5, bird nesting and breeding surveys are to be conducted by a qualified biologist prior to construction activities. If required, due to nesting birds, a Nesting Bird Management Plan will be prepared and submitted to CDFW.

## **Methods**

The pre-construction bird nesting survey, which is the third such survey conducted for the project, was completed by Matt Petty, CDM Smith biologist, on May 31, 2015. The survey consisted of two parts, one at sunrise and in the early morning, and one in the late evening and at sunset to capture periods when bird activity is generally at its peak. The morning survey began at approximately 7:00 a.m. and was completed at approximately 11:00 a.m. The afternoon survey began at approximately 5:00 p.m. and was completed at approximately 7:30 p.m. (preparation and close out prior to and following the survey was conducted before and after the actual survey).

Survey areas include all areas within the Oxford Retention Basin project site, accessible trees located along the Marvin Braude Bike Trail to the east of the project site, and areas surrounding Yvonne Burke Park to the southeast of the project site. Due to observed bird activity in close proximity to the project construction area, the palm trees lining Washington Boulevard, to the north of the project site, were also surveyed. During the survey, the biologist walked the areas described above, and visually surveyed all habitat, including the remaining standing trees, with a pair of binoculars. Potential nests were observed for several minutes to determine the presence of birds or nesting activity. Birds present in the project area were observed for any evidence of breeding behavior (e.g., courtship, carrying nesting material or food).

## Results

No active bird nests were observed inside the project boundary, along the Marvin Braude Bike Trail, or within Yvonne Burke Park. Within the project boundary, there are 9 mature trees remaining: 2 eucalyptus in the southeast corner near the pump house, 2 pines in the northeast corner, 3 pines in the southwest corner near the tide gate, and 2 pines on the south shore. These mature trees were investigated thoroughly and no active nests or breeding behavior was observed. Potential old nests were observed in one of the eucalyptus near the pump house and one of the pines in the northeast corner of the site. These potential nests were in disrepair and likely had not been used in several breeding seasons. No bird activity was observed at these two potential nests.

All other areas of the project site were investigated including woody shrubs, saplings, and dense vine thickets. No active or inactive nests, and no bird breeding behavior, were observed. The water's edge of the Basin was also investigated to determine the presence of active waterfowl and/or shorebird nests. During the investigation, a pair of Gadwall and two pairs of Mallard were observed. None of the pairs exhibited fidelity to a particular site, and spent the entire time feeding or sleeping in the Basin. One pair of killdeer were also observed along the northern mudflats. On several occasions they were approached, but they never gave the "broken-wing" display typical of nesting plovers. The killdeer were exhibiting some site fidelity to the northern mudflats, but no nest or eggs were observed after a thorough investigation.

Despite the absence of breeding behavior and active nests, a single egg was found resting on the gravel on the shore of the northeast finger protruding from the north shore of the Basin. While killdeer are known to nest on the bare ground, this egg was pale white, not the speckled black-and-white of a killdeer egg, and was larger than a typical killdeer egg. The egg was the size and color typical of a duck egg, particularly that of Gadwall; however, ducks typically build defined nests out of grasses. An intensive search was conducted to determine if a nest or other eggs were located nearby – none was found during the morning survey. From sunlight shining through the egg, it appeared unfertilized and abandoned. A 50-foot buffer was taped off with orange flagging to keep potential work from disturbing the area.

The egg was still present during the evening survey and a more expansive search found broken eggshells from three similar eggs located approximately 20 feet away. Additionally, a dead adult bird was found 10 feet from the unbroken egg. A continued search located the nest site and a second dead adult – a female Gadwall, located approximately 25 feet away from the unbroken egg and 5 feet from the three broken eggshells. The broken eggshells were dry and the dead adults were in late stages of decomposition, suggesting that they had been dead for more than a week. Several old raccoon tracks were found on the mudflats nearby, and a raccoon could have been the culprit.

A total of 11 inactive/old nests were found outside of the project site in Yvonne Burke Park and along the Marvin Braude Bike Trail:

- One large nest in the top of the eucalyptus tree at the southeast channel project gate and the Yvonne Burke Park Parking Lot 7. There were no signs of bird activity, but the nest appears to be in good condition.
- One large nest in the top of the large ficus at the southeast channel project gate and the Yvonne Burke Park Parking Lot 7. There were no signs of bird activity, but the nest appears to be in good condition.
- One medium-sized nest in the top of a large eucalyptus tree between the entrance to Yvonne Burke Park Parking Lot 7 and the Bike Trail. There was some crow activity in the tree, but was not associated with the nest. The nest is in fairly good condition.
- Four medium-sized nests in the top of a large eucalyptus near the exit of the Yvonne Burke Park Parking Lot 7. No bird activity was observed during this bird survey.
- One large nest in a large eucalyptus on the other side of the Bike Path approximately 70 feet east of the southeast channel project gate. No bird activity was observed, but the nest appears to be in good condition.
- One small nest in a eucalyptus on the other side of the Bike Path approximately halfway between the southeast channel and pump house project gates. No bird activity was observed, and the nest appears to be in slight disrepair, indicating it was likely not used this season.
- One medium-sized nest and one small nest in a large eucalyptus across the Bike Path from the pump house project gate. No bird activity was observed at either nest, but both nests appear to be in good condition.

To the east of the Marvin Braude Bike Trail above an adjacent residence, a male Anna's hummingbird performed a courtship display, but no nests were located in the vicinity. The northern rough-winged swallows appear to be nesting and/or roosting on the clay tile roofs of residences to the east and southeast of the project site.

Table 1 provides a list of bird species observed during the nesting survey

<b>Table 1. Bird Species Observed during Bird Nesting Survey on May 31, 2015</b>		
<b>Common Name</b>	<b>Scientific Name</b>	<b>Comments</b>
Gadwall	<i>Anas strepera</i>	2 individuals foraging in Basin
Mallard	<i>Anas platyrhynchos</i>	5 individuals foraging in Basin
Double-crested Cormorant	<i>Phalacrocorax penicillatus</i>	1 individual swimming and resting near the stormwater inlet in the northeast corner of Basin
Snowy Egret	<i>Egretta thula</i>	1 individual at the tide gate
Black-crowned Night Heron	<i>Nycticorax nycticorax</i>	5-6, including adults and juveniles, foraging and resting in Basin
Great Blue Heron	<i>Ardea herodias</i>	1 individual at the tide gate
Killdeer	<i>Charadrius vociferous</i>	2 individuals observed along mudflats on north shore of Basin

Western Gull	<i>Larus sp.</i>	5-6 flyovers of the Basin
Turkey Vulture	<i>Cathartes aura</i>	1 individual soaring to the west of Basin
Great Horned Owl	<i>Bubo virginianus</i>	Call heard coming from outside the Basin to the southeast
Rock Pigeon	<i>Columba livia</i>	Several observed flying over Basin and in high-rise buildings south of Basin
Mourning Dove	<i>Zenaida macroura</i>	Very common; several observed flying over Basin, perched on power lines, and foraging on ground
Anna's Hummingbird	<i>Calypte anna</i>	Several observed around Basin – mostly seen along north and east fences; male courtship display witnessed over houses to the east of the Basin – no nests discovered
Black-chinned Hummingbird	<i>Archilochus alexandri</i>	1 individual foraging along north shore of Basin
Black Phoebe	<i>Sayornis nigricans</i>	Several foraging around Basin – mostly seen on east side of Basin
Ash-throated Flycatcher	<i>Myiarchus cinerascens</i>	1 individual observed in Yvonne Burke Park
Hutton's Vireo	<i>Vireo huttoni</i>	2 individuals perching along east side of Basin
Warbling Vireo	<i>Vireo gilvus</i>	1 individual in trees along Bike Path
American Crow	<i>Corvus brachyrhynchos</i>	Very common; several observed in vegetation and flying over Basin
Northern Rough-winged Swallow	<i>Stelgidopteryx serripennis</i>	Several observed flying over Basin; most common in residential area to east of Basin
Bushtit	<i>Psaltiriparus minimus</i>	1 individual seen along the south shore of Basin
House Wren	<i>Troglodytes aedon</i>	3 individuals observed along Bike Path
European Starling	<i>Sturnus vulgaris</i>	Very common; mainly observed along north fence – likely nesting in palms along Washington Blvd
Yellow Warbler	<i>Dendroica petechia</i>	Several individuals observed in residential areas to southeast of Basin
MacGillivray's Warbler	<i>Oporornis tolmiei</i>	1 individual observed in vegetation on east side of Basin
Chipping Sparrow	<i>Spizella pallida</i>	2 individuals observed in vegetation in fencerow at northeastern end of Basin
Song Sparrow	<i>Melospiza melodia</i>	1 individual observed along north shore of Basin
Dark-eyed Junco	<i>Junco hyemalis</i>	1 individual observed in vegetation in fencerow at northeastern end of Basin
Black-headed Grosbeak	<i>Pheucticus melanocephalus</i>	1 individual observed in Yvonne Burke Park
Great-tailed Grackle	<i>Quiscalus mexicanus</i>	2 individuals observed in Yvonne Burke Park
House Finch	<i>Haemorhous mexicanus</i>	Very common; several observed throughout Basin in undergrowth and on fences
Lesser Goldfinch	<i>Carduelis psaltria</i>	2 individuals observed along east shore of Basin
House Sparrow	<i>Passer domesticus</i>	1 individual observed along south shore of Basin; several in Yvonne Burke Park

## **Conclusions**

A nesting bird survey was conducted on May 31, 2015, by a CDM Smith biologist in compliance with CDFW Streambed Alteration Agreement 1600-2012-0148-R5. No active nests were identified within the project boundary or within adjacent areas. Based on the results of the survey, construction activities are in compliance with the Migratory Bird Treaty Act and California Fish and Game Code, and would not result in impacts to breeding, roosting and nesting habitats of federal and state-listed species, California Species of Special Concern, and colonial waterbirds. A Nesting Bird Management Plan is not required at this time due to the lack of active nests within the project boundary or within adjacent areas.

A biologist will be present on-site to conduct daily monitoring of construction activities beginning June 1, 2015, until construction activities are completed in December 2015. Separate monitoring reports will be prepared to document the findings of daily biological monitoring. While no active nests and limited breeding behavior was observed during this pre-construction bird survey, biologists responsible for biomonitoring during construction should remain vigilant and should periodically re-check inactive nest sites. Several bird species produce more than one brood a year and currently inactive sites could become active during the summer breeding season. Additionally, biomonitors should continue to observe the pair of killdeer that exhibited some site fidelity to the northern mudflats.